IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE FIRST DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO : 22057 of 2004

Between:

B. Narendra Reddy S/o B.C. Yella Reddy
Dealer, Ratnapali Village Veldurthy Mandalam,

Kurnool District .

..... PETITIONER

AND

1 The Joint Collector, Kurnool, Kurnool District
2 The Revenue Divisional Officer, Kurnool, Kurnool District
3 The Mandal Revenue Officer, Veldurthy Mandal, Kurnool

District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an appropriate Writ, order or direction, more particularly one in the nature of Writ of Mandamus declaring the action of the 1st respondent in not passing any order on the stay petition filed along with the appeal as illegal, arbitrary, void and ultra virus the provisions of the A.P. State Public Distribution Control Orders, 2001 and consequently set a side the proceedings of the 2nd respondent bearing Rc. B/1359/2004 dt 25-10-2004 pending appeal before the 1st respondent.

Counsel for the Petitioner: MR.J.JANAKIRAMI REDDY

Counsel for the Respondents: GP FOR CIVIL SUPPLIES

The Court at the admission stage made the following :

ORDER:-

The authorization of the petitioner as Fair Price Shop Dealer was suspended by the Revenue Divisional Officer, Kurnool, the second respondent, through order, dated 25.10.2004. Aggrieved thereby, the petitioner preferred an appeal before the first respondent together with an application for grant of stay. The petitioner alleges that the first respondent has not passed any order, so far, in the application for stay. He seeks appropriate directions so as to enable him to function as Fair Price Shop Dealer.

Heard learned counsel for the petitioner and learned Government Pleader for Civil Supplies.

Once the petitioner had availed the remedy of appeal and filed an application for stay, the first respondent ought to have passed orders in the stay application. The delay in passing the same would defeat the very purpose of preferring the appeal. Much would depend on the nature of allegations against the dealer in the matter of grant of stay, be it by the appellate authority or by this Court, in the event of the appellate authority failing to pass orders within the reasonable time.

The only allegation against the petitioner as evident from the order, dated 25.10.2004, is that he is not residing in the concerned village. Even if the same is taken as true, that cannot be a ground to suspend the authorization, unless there are allegations of diversion of essential commodities or non-supply of the same.

Hence, the writ petition is disposed of directing that the order of suspension, dated 25.10.2004, shall stand stayed, pending the disposal of the appeal by the first

respondent.

01.12.2004

Note: Issue C.C. in three days.

(B/o)

Jsu

To

1 The Joint Collector, Kurnool, Kurnool District
2 The Revenue Divisional Officer, Kurnool, Kurnool District
3 The Mandal Revenue Officer, Veldurthy Mandal, Kurnool

District.

4 2CCs to the G.P for Civil Supplies, High Court Buildings,

Hyderabad(O.U.T).

5 2CD copies